

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to regulation updates

The Utilities Board hereby amends Chapter 8, “Civil Penalties,” Chapter 9, “Restoration of Agricultural Lands During and After Pipeline Construction,” Chapter 17, “Assessments,” and Chapter 38, “Local Exchange Competition,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 476, 477C and 479.

Purpose and Summary

The Board commenced this rule making to update its administrative rules following the Governor’s signature to and approval of 2021 Iowa Acts, House File 693, and to reinsert subparagraph 9.5(4)“d”(6), which was stricken in a recent rule making.

On October 18, 2021, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2021-0008.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 28, 2021, as **ARC 5813C**. An oral presentation was held on September 14, 2021, at 11:30 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. No stakeholder objected to or expressed concern regarding the amendments during the oral presentation.

During the written comment period, the Iowa Association of Municipal Utilities submitted a written response, stating it had “no comments” on the proposed amendments; the Iowa Communications Alliance submitted a comment, expressing support for the Board’s proposed changes in Chapters 17 and 38 and took no position on the proposed changes in Chapters 8 and 9; the Iowa Farm Bureau submitted a comment in support of the amendment in Chapter 9 and took no position on the remaining proposed amendments; the Office of Consumer Advocate, a division of the Iowa Department of Justice, submitted a comment stating it had no objections to the proposed changes; Interstate Power and Light submitted a comment in which it stated it was not opposed to the proposed amendments; and MidAmerican Energy Company submitted a statement indicating it had no specific comments to the proposed amendments.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on October 18, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Chapter-specific waiver provisions are unnecessary because any person may apply for waiver of any Board rule under rule 199—1.3(17A,474,476), which provides procedures for requesting a waiver of the rules in Chapters 8, 9, 17, and 38.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 22, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 8.1(5) as follows:

8.1(5) Pursuant to Iowa Code section 479.31 and in accordance with 49 CFR 190.223 as amended through July 1, 2021, for a violation of the permit requirements for a pipeline or underground gas storage facility.

ITEM 2. Adopt the following **new** subparagraph **9.5(4)“d”(6)**:

(6) Before completing permanent tile repairs, all tile lines shall be examined visually by televising on both sides of the trench over the full extent of the working easement to check for tile that might have been damaged or misaligned by construction equipment. If tile lines are found to be damaged, they must be repaired to operate as well after construction as before construction.

ITEM 3. Amend subrule 17.2(9) as follows:

17.2(9) Industry direct assessments and remainder assessments for gas and electric utilities exempted from rate regulation by the board and for providers of telecommunications service required to register with the board pursuant to Iowa Code section 476.95A that are exempted from rate regulation under Iowa Code chapter 476 shall be computed at one-half of the rate used in computing industry direct assessments and remainder assessments for other persons.

ITEM 4. Amend subrule **38.1(2)**, definition of “Competitive local exchange service provider,” as follows:

“*Competitive local exchange service provider*” means any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.

[Filed 10/18/21, effective 12/22/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/21.